



April 2, 2002

ALL COUNTY LETTER NO. 02-31

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE-TO-WORK
COORDINATORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: PARTICIPATION REQUIREMENTS FOR TWO-PARENT ASSISTANCE UNITS (AU)

REFERENCE: ALL COUNTY LETTER (ACL) NOS. 99-65, 01-54, 01-84, 02-07, and
MANUAL OF POLICIES AND PROCEDURES (MPP) SECTION 42-
711.421

The purpose of this ACL is to provide additional information to counties about two-parent AU participation requirements under the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work (WTW) program. Recently, several counties and an advocate group have contacted the California Department of Social Services (CDSS) with questions about required hours of participation and allowable WTW activities for two-parent AUs, when one or both of the parents have reached the 18- or 24-month time limit. The specific case scenarios and related questions that have been posed to CDSS staff are noted below.

Scenario One:

Both parents participate in CalWORKs WTW activities and, after they both reach the 18- or 24-month time limit, the mother elects to meet the 35-hour requirement for the AU. She is unemployed and must participate in unpaid community service. Using the Simplified Food Stamp Program (SFSP) minimum wage calculation, the county determines that the mother must participate in unpaid community service for 35 hours.

Question 1: Is the father required to participate in WTW activities, including community service, to remain eligible for aid?

No. The father is not required to participate in any WTW activity to remain eligible for aid. When one parent in a two-parent AU is meeting the 35-hour work requirement, the other parent is not required to participate.

Question 2: While the mother is meeting the 35-hour requirement, can the father volunteer to participate in additional WTW activities?

Yes. The father can volunteer for participation in other activities that need not be, or include, community service, even though he has reached his 18- or 24-month time limit. While the Department encourages counties to provide additional services to volunteers to enhance job skills in preparation for gainful employment, a county cannot be compelled to provide WTW activities to the second parent in a two-parent household when the other parent is meeting the full participation requirement. Whether or not voluntary participation is permitted depends on the availability of county funds to provide the additional services, and if the services are consistent with an individual's WTW plan.

However, volunteer participation in unpaid community service or unpaid work experience (WEX) by the father in this scenario is limited by the SFSP minimum wage calculation, which results in the maximum number of hours that the parents can participate in unpaid community service or unpaid WEX. The mother is participating in unpaid community service; therefore, the father may not volunteer to participate in either unpaid community service or unpaid WEX because the participation hours from the SFSP minimum wage calculation are met by the mother (see ACL 01-54 for a summary of SFSP regulations and ACL 02-07 for SFSP guidelines).

Scenario Two:

The mother is unemployed and has reached the 18- or 24-month time limit. She is required to participate in 35 hours of allowable WTW activities per week, since the father is not participating for any hours. Using the SFSP minimum wage calculation, the county determines that the mother must participate for a maximum of 31 hours per week in unpaid community service. The mother must make up the remaining four hours of the 35-hour requirement in other allowable WTW activities.

Question 1: Can the county assign the mother to an additional four hours of unpaid community service so that she can meet her work participation requirement in one activity?

No. The county cannot assign the mother to four additional hours of unpaid community service because she is already completing the maximum number of hours in unpaid community service that is allowed under the SFSP minimum wage calculation (see ACL 02-07). While it may be convenient for both the participant and the county to have the individual assigned to one activity, and possibly to only one work-site, the assignment of a person to unpaid community service in excess of the SFSP requirement is not consistent with the SFSP regulations.

Question 2: Can the mother volunteer to participate in unpaid community service for the additional four hours necessary to meet the 35-hour work requirement?

No. A volunteer, according to the definition found in MPP Section 42-701(v)(1), means "a CalWORKs applicant or recipient who, though not required to participate in the

Welfare-to-Work Program, chooses to participate.” In this scenario, the mother must participate in WTW activities for a total of 35 hours and, therefore, she cannot volunteer until she has met this requirement. Additionally, once she has exhausted the number of hours resulting from the SFSP minimum wage calculation, she is precluded from participating in additional hours of unpaid community service or unpaid WEX, even as a volunteer. To fulfill the balance of her required hours of participation, she must be assigned to another allowable WTW activity (see ACL 02-07).

Question 3: If the father wishes to volunteer for additional WTW activities, what activities are open to him?

Whether or not the father has reached the 18- or 24-month time limit, he cannot volunteer to participate in unpaid community service or unpaid WEX because the mother is already participating for the maximum number of hours allowed by the SFSP calculation for the AU. The father may volunteer for other allowable WTW activities (vocational training, English as a second language (ESL), adult education, etc.) given the conditions noted in Scenario One, Question 2 are met.

Scenario Three:

The mother is pre 18- or 24-month time limits, and the father is post 18- or 24-month time limits. The parents decide to split the 35-hour WTW requirement.

Question: Is the father limited to participation in unpaid community service?

Because the father has reached the 18- or 24-month time limits, the only allowable WTW activities in which he may participate to meet his portion of the 35-hour requirement are unsubsidized employment, grant-based on-the-job training community service, Department of Labor (DOL) WTW Grant paid community service or paid WEX, and/or unpaid community service (see ACL 01-84 for information on the DOL WTW Grant program). The father is limited to these activities unless the SFSP minimum wage calculation requires participation in other activities for the balance of the required hours. If the father is participating in unpaid community service for the required number of hours resulting from the SFSP minimum wage calculation, any remaining hours necessary to meet the 35-hour WTW requirement, by either parent, must be in activities other than unpaid community service or unpaid WEX. In other words, in no instance can parents who are combining their participation hours, regardless of their time limit status, exceed the hours determined by the SFSP calculation in unpaid community service or unpaid WEX.

For example, the mother is contributing 23 hours per week toward the 35-hour WTW requirement. The father must participate for 12 hours per week ($23+12=35$). The minimum wage calculation determines that the father must participate in unpaid community service for 9 hours per week. The father must make up the balance of his WTW requirement (3 hours) in any activity other than unpaid community service or

unpaid WEX. Further, because the father has used up the SFSP minimum wage calculation hours, the mother, who is pre time limits, also may not participate in unpaid community service or unpaid WEX. Instead, she must participate in other allowable WTW activities (see ACL 02-07).

Scenario Four:

The father, who was meeting the 35-hour work participation requirement for the AU, reached his 18- or 24-month time limits, and then stopped participating. The mother subsequently began her 18- or 24-month clock and assumed the 35-hour work requirement.

Question: What are the required participation activities for both the father and the mother?

The father is not required to participate in any WTW activities because the mother is now meeting the 35-hour work requirement for the AU. The mother can participate in the range of WTW activities allowed for any pre-time limit individual in the county. She is not required to participate in unpaid community service, even though the father has reached his 18- or 24-month time limit, since the 18- or 24-month time clocks are applied individually.

Since the mother is meeting the 35-hour requirement for the AU, the father may volunteer to participate. In this scenario, his participation is not restricted to unpaid community service, but is limited to the conditions noted in Scenario One, Question 2.

If your county has any questions regarding this letter, please contact Audrey King, Employment Bureau, at (916) 654-0946 or audrey.king@dss.ca.gov.

Sincerely,

***Original Document Signed By
Bruce Wagastaff on 4/2/02***

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c: CWDA
CSAC